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PETER OPPENEER
CLERK US DIST COURT
WD OF WI

COMPLAINT FORM

(for non-prisoner filers without lawyers)

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF Wisconsin

(Full name of plaintiff(s))

Vanessa Rae Rust

vs

(Full name of defendant(s))

Alter Metal Recycling

Case Number:

16 C 003 -jdp

(to be supplied by clerk of court)

A. PARTIES

1. Plaintiff is a citizen of Minnesota and resides at
(State)

11037 192nd Ave. NW/Elk River, MN
(Address) 55330

(If more than one plaintiff is filing, use another piece of paper).

2. Defendant Alter Metal Recycling
(Name)

is ~~(if a person or private corporation)~~ a citizen of a worldwide corporation
regional office (State, if known)
and ~~(if a person)~~ resides at 700 Office Parkway St. Louis, Missouri
(Address, if known) 63141

and (if the defendant harmed you while doing the defendant's job)

worked for Alter at 3532 White Ave. / Eau Claire, WI 54703
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

Please see the enclosed Statement of
Claim.

(An enclosed copy of my Petition for
Review to LIRC explains things in a
little more detail.)

DO NOT
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Statement of Claim

I, the plaintiff, Vanessa R. Rust, worked for Alter Metal Recycling, at its Eau Claire, Wisconsin yard, from 2011 through 2012. On February 4, 2012, I was fired 2 weeks after I developed a work-related injury, without *any* opportunity to defend myself; despite being told there would be an Investigation & that they themselves documented that I was a “good worker”. (I was injured due to a *flaw* in Alter’s *newly* upgraded system & lack of help from the men, due to sexual discrimination.)

For 2 ½ years, I never knew the lies written by a *few* of my co-workers or the cover-up that had taken place, (which can be proven by contradictory statements in the Exhibits & Alter’s own company forms). I then ran into several insufficient time allowances, (for various reasons), thus I was unable to adequately defend myself until now.

As a result, I continue to suffer physically & emotionally; not to mention the financial setback I suffered in trying to seek justice. I want the Investigation that Alter told the DWD there would be, the back pay I was told I would receive when found not at fault & the physical therapy I was prescribed when employed at Alter. In addition, damages for my suffering, as this has *greatly* impacted my confidence, family relationships & my son’s business.

In closing, Alter is a “worldwide leader in scrap metal recycling”, which I feel needs to be investigated in Federal Court, as they did not follow their *own* federal-wide company policies! (If they aren’t adhering to their *own* policies, what environmental laws or federal tax laws aren’t they adhering to?) All I know, is that what happened to me, just isn’t right.

STATE OF WISCONSIN
LABOR AND INDUSTRY REVIEW COMMISSION
PETITION FOR REVIEW

I hereby petition for review by the Labor and Industry Review Commission,
ERD Judge John Carlson Jr.'s decision in the following Equal Rights matter:

ERD Case No. CR201200815
EEOC No. 26G201200724C
Employee: Vanessa R. Rust
Employer: Alter Metal Recycling
Date of ERD Judge's Decision: July 31, 2015

Statement of reasons for petition:

- 1.) On 2/4/2012, I was fired 2 weeks after developing a work-related injury, (due to a *flaw* in Alter's *newly* upgraded system & lack of help from the men, due to sexual discrimination), **without any opportunity to defend myself**, despite documentation that states:
 - A.) I was put on Unpaid Administrative Leave while an Investigation was to be conducted.
 - B.) I was a "good worker".
- 2.) I won the initial UI Determination, but on 4/12/2012, I lost the second UI Determination after Alter submitted lies. And it wasn't until June 4, 2014, (2 ½ years after I was fired), that I saw the lies that had been written about me. **(Therefore, I was also unable to adequately defend myself at the UI Hearing.)**
- 3.) The DWD Section 218.17 Wis. Adm. Code states:
"Exchange of names of witnesses and copies of exhibits.
By no later than the tenth day prior to the hearing."
(I did NOT receive those in a timely fashion for the SD Hearing, yet Judge Carlson Jr. denied my request for a postponement of the Hearing. **(Thus, I was again unable to adequately defend myself.)**)
- 4.) On 8/25/2014, the Refusal to Rehire Judge, Janine M. Smiley, made a *hasty* Determination without taking the sexual discrimination evidence into consideration. **(The Determination was sent to my old Wisconsin address, which again left me little time to adequately respond.)**
- 5.) On 2/9/2015, I sent Judge Carlson Jr. Contradictory Statements I found in the Exhibits. (Yet, he continues to believe Alter, despite Alter's *own* comments that *prove* they are lying!)

- 6.) On 7/9/2015, I emailed Judge Carlson Jr. to inform him that I was not receiving ANY mail, and that I would let him know when the situation was rectified. **(Yet, he sent his Determination anyway on 7/31/2015, which once again, left little time for me to adequately defend myself, by the time I received it at 6:00 pm on 8/12/2015.)**
- 7.) **None of Judge Carlson's "FINDINGS OF FACT" are backed up by EVIDENCE!** (Doesn't that make the DWD an accessory to slander?) Only one of his "FACTS" is correct and #22 doesn't even list a name or a date! (In addition, how is it possible that an Equal Rights Judge showcases the men's statements, yet totally disregards the fact that Supervisor Nockerts stated at the SD Hearing that he "lost" my statement?)
- 8.) **It wasn't until I received the "Dismissal and Notice of Rights", dated November 3, 2015, that I have finally been given enough time to piece together the evidence which proves:** Not only did a few of my co-workers lie about me, but Supervisor Nockerts knew they lied, and he went along with their lies anyway. Please accept the 4 enclosed Q & E to read booklets, as my "written arguments" in my "request to file written arguments".

"Who is Alter Metal Recycling?" & "Who is Vanessa R. Rust"

"Out-of-The-Blue"
ONE WOMAN'S STORY

"The Paper Trail"

"FINDINGS OF FACT"
AND THE EVIDENCE PROVING OTHERWISE

As such, I feel there should be a review by the Labor and Industry Review Commission and that I am entitled to benefits.

This petition is filed by:

Vanessa R. Rust
11037 192nd Ave. NW
Elk River, MN 55330

612-222-5480
Vanessarae0217@gmail.com

Cc: Steven Weld, Alter's Attorney

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED → Please see the enclosed Statement of Claim.

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

(Please note that when I emailed the ERD Judge on 7/9/15 that I wasn't receiving ANY mail, but he sent his Determination anyway on 7/31/15, and I didn't get it until 6:00pm on 8/12/15, I felt like giving up, so I didn't ask the EEOC to address my claims. (I only sent a thank you card to the Equal Rights officer who determined I had "Probable Cause".)

It wasn't until I received the "Dismissal and Notice of Rights" + "90 days", that I felt I finally had enough time to try & defend myself. Please see the road blocks I have encountered throughout this process on my LIRC Petition for Review.)

E. JURY DEMAND

- ☒ Jury Demand - I want a jury to hear my case
OR
☐ Court Trial - I want a judge to hear my case

Dated this 31 day of December 2015.

Respectfully Submitted,

Vanessa Rae Rust

Signature of Plaintiff

612-222-5480

Plaintiff's Telephone Number

vanessarae0217@gmail.com

Plaintiff's Email Address

11037 192nd Ave. NW

Elk River, MN 55330

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE

- ☒ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.
- ☐ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.